

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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J.P.E., an infant by his parent and natural guardian,
Danielle R. Perez-Estrada, DANIELLE R.
PEREZ-ESTRADA, and JOEL PEREZ-ESTRADA

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.
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21-cv-0836 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The complaint in this action was filed on February 2, 2021. Dkt. No. 2. The complaint brings a claim under the Federal Tort Claims Act in connection with medical care provided to the infant plaintiff and his parents. An initial pretrial conference is scheduled for July 1, 2021.

On June 25, 2021, Plaintiffs filed a stipulation of voluntary dismissal under Fed. R. Civ.

P. 41(a)(1)(A)(i). Dkt. No. 40. Under S.D.N.Y. Local Civil Rule 83.2:

An action by or on behalf of an infant or incompetent shall not be settled or compromised, or voluntarily discontinued, dismissed or terminated, without leave of the Court embodied in an order, judgment or decree. The proceeding upon an application to settle or compromise such an action shall conform, as nearly as may be, to the New York State statutes and rules, but the Court, for cause shown, may dispense with any New York State requirement.

S.D.N.Y. Local Civil Rule 83.2. The applicable New York statute is N.Y. C.P.L.R. § 1208.

The conference scheduled for July 1, 2021 will proceed to discuss Plaintiffs' stipulation of voluntary dismissal and to ensure that Plaintiffs have, to the extent necessary, complied with S.D.N.Y. Local Civil Rule 83.2 and any other applicable rules and regulations.

SO ORDERED.

Dated: June 30, 2021
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is positioned above a horizontal line.

LEWIS J. LIMAN
United States District Judge